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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,792	10/05/1999	JAY H. CONNELLY	10559/055001	1113
8791	7590	08/22/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			SHELEHEDA, JAMES R	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,792

Applicant(s)

CONNELLY, JAY H.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 18-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15 and 18-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-7, 9-15 and 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman et al. (Ullman) (6,018,768) (of record) in view of Boyer et al. (Boyer) (6,268,849) (of record).

As to claim 1, Ullman discloses a method of broadcasting data, comprising sending information to a receiver (Col. 9, Lines 36-42) that includes a scheduled time (Column 5, Lines 5-10) and an encoding format (URL. As is well known in the art, a URL is a reference to a particular resource and typically includes a protocol specification (HTTP), host address and a resource including a filename (e.g... index.html). A web browser application receives the web pages specified by the URL (Col. 7, Lines 31-53) and displays the data in synchronization with video content. The filename specification in the URL reads on the claimed information identifying an encoding format (See Figure 7, HTML, JPG, etc.)), wherein the encoding format comprises a content format used to encode the data prior to broadcasting and apart from encoding the broadcast for transmission through a transport medium (column 7, lines 54-56).

While Ullman discloses broadcasting the data at the scheduled time (column 9, lines 45-49) and processing the broadcast of data in the encoding format at the scheduled time (displaying the data when it is received; column 9, lines 50-57), he fails to specifically disclose selecting one viewer application, from a plurality of viewer applications prior to the scheduled time based on said scheduling information.

In an analogous art, Boyer discloses a television program guide method (See Figure 9) wherein real-time data such as video and audio clips may be embedded within the television program listings (Column 4, Lines 44-54 and Column 5, Lines 1-11) wherein a web browser is operable to receive the multimedia content such as video and audio and play them back using a plug-in application such as Quicktime or ActiveMovie (Col. 6, Lines 1-22) depending on the data format (column 6, lines 14-22) prior to the scheduled time (wherein specific plugin modules are loaded and assigned to specific file formats before the files would be received; column 6, lines 14-22). Boyer is evidence that ordinary workers in the art would appreciate the ability to use web browser plug-ins to support additional content formats in an interactive television method. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ullman with the plug-ins of Boyer in order to provide modular add-on support for a plurality of different content formats to further enhance the user's viewing experience.

Regarding Claim 3, Ullman in view of Boyer disclose a method as stated above in Claim 1. Further, as stated above, the Ullman discloses a host that provides

the data content (e.g.: www.lowell.edu, See Figure 7). This host reads on the claimed sent information identifying a content provider for the data.

Regarding Claim 4, Ullman in view of Boyer disclose a method as stated above in Claim 3. Further, as stated above, the URL of Ullman discloses a protocol to use to retrieve data (e.g.: http, see Figure 7). This protocol specification reads on the claimed identification of a channel for broadcasting the data. Further, Ullman discloses that a tuner retrieves the data on a channel (Co1. 9, Lines 45-49). It is inherent that the broadcast transmits the data in the identified channel in order for the receiver to properly receive it.

Regarding Claim 5, Ullman in view of Boyer disclose a method as stated above in Claim 4. Ullman further discloses that the transmission medium may be analog or digital formats via satellite, cable, television broadcast, etc. (Co1. 4, Lines 50-54). This reads on the claimed identified channel comprising a cable channel or wireless channel.

Regarding Claim 6, Ullman in view of Boyer disclose a method as stated above in Claim 1. Boyer further discloses a viewer application such as a Quicktime plug-in that is used to play back the data. It is inherent that such a plug in decodes the received data.

Regarding Claim 7, Ullman in view of Boyer disclose a method as stated above in claim 1. Ullman further discloses that the information may be transmitted to the claim 1. Ullman further subscriber prior to initiation (Col. 5, Lines 3-7). This reads on the claimed broadcasting starting a predetermined time after the sending of the information. The time is predetermined based on the time stamp which indicates to the subscriber station when, during the program, to display the data (Col. 5, Lines 7-10).

Regarding Claim 9, Ullman in view of Boyer disclose a method as stated above in Claim 1. Ullman discloses sending a plurality of URL's to the subscriber with different file types (.HTML, .TPG, etc. -- See Figure 7). This reads on the claimed sending of a second information about a second scheduled time and content format for a broadcast of new data, the second content format being indicative of a new viewer application (Plug-in of Boyer) for processing the new data and then broadcasting the new data during the second scheduled time.

Regarding Claim 10, see Claim 1 above. The digital cable box of Ullman receives scheduling information (URL's with timing information) for data broadcasts and information to identify an encoding format as stated above. The encoding format identifies a particular viewing application (plug-in of Boyer) selected from a plurality of viewer applications to process the data broadcasts as stated above. The encoding format comprises a content format used to encode the data prior to broadcasting and apart from encoding the broadcast for transmission through a transport medium as

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stated above. The data is received from the broadcast at the schedule time and processed by the plug-in for playback.

Regarding Claim 11, see Claim 4 above.

Regarding Claim 12, see Claim 3 above.

Regarding Claim 13, see Claim 6 above.

Regarding Claim 14, see Claim 1 above. The digital cable box of Ullman receives scheduling information that provides broadcast times for data broadcasts and information for identifying an encoding format as stated above. Boyer discloses a plug-in application selected from a plurality of viewer applications for processing the broadcasts as stated above. The encoding format comprises a content format used to encode the data prior to broadcasting and apart from encoding the broadcast for transmission through a transport medium as stated above. Boyer further discloses that real-time data is embedded within the television program listings of corresponding televised events in progress (See Figure 9 and Col. 4, Lines 48-67). It is inherent that in such a graphical user interface, data must be stored in a memory. This reads on the claimed writing the scheduling information to a scheduling table having entries indexed by scheduled broadcast times and channels (See Figure 9).

Regarding Claim 15, Ullman in view of Boyer disclose a method as stated above in Claim 14. Boyer further discloses selecting a viewer application to processes the received data as stated above. Because the data indicates an encoding format that is used to select an appropriate decoder and the data is stored in memory as stated above, this reads on the claimed selecting based on information in the scheduling table.

Regarding Claim 18, see Claim 1 above. Ullman further discloses an interface to receive broadcasts of data (See Figures 7 and 8). Boyer discloses a plurality of viewer applications to decode the received data as stated above. Ullman discloses a data storage device (memory) for storing the client software (Col. 9, Lines 43-45). In combination with the plug-in applications of Boyer, this reads on the claimed data storage device storing a plurality of viewer applications to decode the received data. Further it is inherent that the PC or digital cable box that runs software applications would have a processor coupled to the data storage device for selecting and executing the appropriate plug-in application based on scheduling information and the encoding format as stated above. Ullman discloses such a processor (Col. 5, Lines 31-33).

Regarding Claim 19, Ullman in view of Boyer disclose a system as stated above in Claim 18. Ullman discloses a memory for storing client software as stated above. This reads on the claimed data storage device storing an executable control application: As stated above, new scheduling information is received prior to a program (Col. 5, Lines 3-10). It is implicit that for each program or data associated with a specific time in a

program, that there be a URL transmitted, received and stored. This reads on the claimed updating a scheduling table (See Figure 7) in response to receiving new scheduling information for a broadcast of data.

Regarding Claim 20, Ullman in view of Boyer disclose a system as stated above in Claim 19. As stated above, the scheduling table (See Figure 7) contains URL's. The URL's contain a file type specification (e.g.: .HTML, .JPG, etc.). Boyer discloses that a plug-in is used to decode specific types of data. Therefore, it is implicit that the web browser select the appropriate plug-in to decode the appropriate content formatted data. This reads on the claimed control application selecting the viewer application to decode data based on information from the scheduling table.

Regarding Claim 21, Ullman in view of Boyer disclose a system as stated above in Claim 19. What is not disclosed, however, is that the control application selects the viewer application based on availability data for the viewer application stored in a viewer application selection table.

Official Notice is hereby taken that it is well known in the art that a web browser stores information regarding what plug-ins are installed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ullman in view of Boyer with the software installation information of the well-known prior art in order for the web browser to know what types of data it can handle

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and what types of data it cannot. This reads on the claimed availability data for the viewer applications stored in a viewer application selection table.

Regarding Claim 22, see Claim 1 above. Ullman further discloses a URL encoder (See Figure 5, 8) for embedding URt,s within a video propam (Col. 4, Lines 59-62). The encoder reads on the claimed data storage device encoding computer executable instructions.

Regarding Claim 23, see Claim 3 above.

Regarding Claim 24, see Claim 7 above.

Regarding Claim 25, see Claim 9 above.

Regarding Claim 26, see Claims 1 and 18 above. Ullman further discloses client software stored in memory that causes a computer to perform the tasks as stated above.

Regarding Claim 27, see Claim 4 above.

Regarding Claim 28, see Claim 6 above.

Regarding Claim 29, Ullman in view of Boyer disclose a system as stated above in Claim 26. Ullman further discloses writing the scheduling information to a scheduling table having entries indexed by scheduled broadcast times (See Figure 7) as stated above. As stated above, the computer selects a viewer application based on data from the scheduling table, in this case, the content format identifier (e.g.: .HTML, .JPG, etc.) as specified by the URL.

Regarding Claim 30, see Claim 21 above.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman and Boyer, as applied to claim 1, and further in view of the Advanced Television Enhancement Forum Specification (ATVEF).

Regarding Claim 8, Ullman in view of Boyer disclose a method as stated above in Claim 1. What is not disclosed, however, is that the content format is an ATVEF format.

The Advanced Television Enhancement Forum Specification (ATVEF) outlines the implementation and use of the ATVEF format for distributing video content in conjunction with other multimedia-rich hypertext data. The ATVEF Specification is evidence that ordinary workers in the art would recognize the benefit of utilizing the ATVEF format to transport and display real-time video content in conjunction with other hypertext multimedia. Therefore, it would have been obvious to ordinary workers in the art to combine the user interactive video transmission and receiving system of Ullman in

view of Boyer with the ATVEF format of the ATVEF Specification in order to facilitate transporting and embedding video within a hypertext linked multimedia display and vice versa to insure compatibility with a wide range of devices using a well known standard (ATVEF).

Response to Arguments

4. Applicant's arguments filed 07/28/05 have been fully considered but they are not persuasive.

In response to applicant's arguments in regards to the amended claims, it is noted that Boyer discloses a web browser with plugins that are assigned to handling specific file types. Depending on the file type of the data, one specific plugin would be chosen to handle that file (column 6, lines 1-22). The installing and selecting of particular plugins to handle particular files would clearly take place prior to the scheduled broadcast time of the data, otherwise the system would not have the correct plugin installed to handle the incoming data, and thus clearly meets the current claim limitations.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Signature: _____

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner

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JS



VIVEK SRIVASTAVA
PRIMARY EXAMINER